

**LEWIS
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LLP**

LAWYERS

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY.

USA CAPITAL REALTY ADVISORS, LLC.

**USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC.**

**USA CAPITAL FIRST TRUST DEED
FUND, LLC.**

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
 - .. USA Commercial Mortgage Company
 - .. USA Capital Realty Advisors, LLC
 - .. USA Capital Diversified Trust Deed Fund, LLC
 - .. USA Capital First Trust Deed Fund, LLC
 - .. USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
SANTORO, DRIGGS, WALCH,
KEARNEY, JOHNSON &
THOMPSON, LTD. TO PRODUCE
ONE OR MORE CORPORATE
REPRESENTATIVES FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

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1 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the Official Committee of
 2 Unsecured Creditors of USA Commercial Mortgage Company (“UCC” or the “Movant”)¹
 3 hereby moves this Court for an order requiring Santoro, Driggs, Walch, Kearney, Johnson
 4 & Thompson, Ltd. (“Santoro Driggs”) to produce one or more corporate representatives,
 5 as set forth in subpoenas issued under Federal Rule of Bankruptcy Procedure 9016, to
 6 appear for examination at the law office of Lewis and Roca, LLP, 3993 Howard Hughes
 7 Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10)
 8 business days after the filing of this Motion and no later than April 30, 2007, or at such
 9 other mutually agreeable location, date, and time, and continuing from day to day
 10 thereafter until completed.

11 This Motion is further explained in the following Memorandum.
 12

Memorandum

13 The Movant seeks information concerning legal services performed by Santoro
 14 Driggs on behalf of USACM, the other debtors in the above-captioned cases (together with
 15 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
 16 related entities. The Movant seeks this information to assist in the collection of the assets
 17 and the investigation of the liabilities of the Debtors.

18 The requested discovery from Santoro Driggs is well within the scope of
 19 examination permitted under Bankruptcy Rule 2004, which includes:
 20

21 ¹ Upon the effective date of the Joint Plan of Reorganization (the “Plan”), the UCC will
 22 cease to exist and the USACM Liquidating Trust will be substituted in for the UCC as to
 23 this Motion.

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[t]he acts, conduct, or property or . . . the liabilities and financial condition of the debtor, or . . . any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. In a . . . reorganization case under chapter 11 of the Code, . . . the examination may also relate to the operation of any business and the desirability of its continuance, the source of any money or property acquired or to be acquired by the debtor for purposes of consummating a plan and the consideration given or offered therefore, and any other matter relevant to the case or to the formulation of a plan.²

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: March 7, 2007.

LEWIS AND ROCA LLP

By /s/ RC (#006593)

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-and-

**DIAMOND MCCARTHY TAYLOR FINLEY & LEE
LLP**

By: /s/ Eric D. Madden (pro hac vice)

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² FED. R. BANKR. P. 2004(b).